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SEP 13 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

BY

JAN

DEPUTY

JOHN STEWART,

*

Plaintiff,

*

vs.

*

LENDMARK FINANCIAL
SERVICES, LLC,

*

Civil Action No.: PWG-17-2683
(Removed from District Court of
Maryland for Charles County,
Case No. D-042-CV-17-000873)

*

Defendant.

* * * * *

NOTICE OF REMOVAL
(Federal Question Jurisdiction)

Defendant Lendmark Financial Services, LLC ("Lendmark"), by and through its undersigned counsel, hereby provides Notice pursuant to 28 U.S.C. §§ 1441 and 1446 of its removal of the above-captioned case from the District Court of Maryland for Charles County to the United States District Court for the District of Maryland. Removal is based on 28 U.S.C. § 1331 (federal jurisdiction). As grounds for removal, Lendmark states the following:

1. On or about August 7, 2017, Plaintiff John Stewart ("Plaintiff") commenced this action against Lendmark by filing a Complaint in the District Court of Maryland for Charles County (the "State Court Action"). The State Court Action was assigned Case No. D-042-CV-17-000873. Relevant to this notice, Plaintiff asserts in the Complaint that Lendmark allegedly violated the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*, and the Fair Credit Reporting Act ("FCRA") 15 U.S.C. § 1681, *et seq.* when it reported to the credit bureaus information about the existence of certain loan accounts that Plaintiff disputes exist.

2. Removal to this Court is proper. Pursuant to 28 U.S.C. §§ 1446(a) and 1441(a), this Notice of Removal is being filed in the United States District Court for the District of Maryland, Southern Division, which is the federal district court embracing the state court where the State Court Action was filed.

3. Removal is timely. Lendmark was served with a copy of the Complaint and original summons on August 14, 2017. This Notice of Removal is being filed with the United States District Court for the District of Maryland, Southern Division on September 13, 2017, within the statutory period set forth in 28 U.S.C. § 1446(b).

4. This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11. *See* 28 U.S.C. § 1446(a).

5. All procedural requirements have been met.

a. Contemporaneously filed herewith are copies of all “process, pleadings and orders served upon” or received by Lendmark in the State Court Action, and which are attached hereto as Exhibit A. *See* 28 U.S.C. § 1446(a); Local Rule 103(5)(a).

b. Attached hereto as Exhibit B is a copy of the Notice of Filing Notice of Removal that Lendmark will file in the District Court of Maryland for Charles County, and will promptly serve upon Plaintiff.

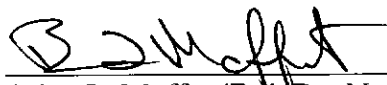
6. This Court has “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Pursuant to 28 U.S.C. § 1441(a), “[e]xcept as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant, to the district court of the United States for the district and division embracing the place where such action is

pending.” 28 U.S.C. § 1441(a). Additionally, pursuant to 28 U.S.C. § 1441(b), “[a]ny civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removed without regard to the citizenship or residence of the parties.” 28 U.S.C. § 1441(b).

7. Lendmark is entitled to remove this action to this Court pursuant to 28 U.S.C. § 1441. Plaintiff’s assertion of claims under the FDCPA and FCRA renders this suit one over which the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

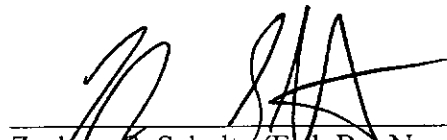
WHEREFORE, having satisfied all the requirements for removal under 28 U.S.C. §§ 1441 and 1446, including the presence of all jurisdictional requirements established by 28 U.S.C. § 1331, Defendant Lendmark Financial Services, LLC respectfully serves notice that the above-referenced civil action, now pending in the District Court of Maryland for Charles County is removed therefrom to the United States District Court for the District of Maryland.

Respectfully submitted,



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*Attorneys for Defendant
Lendmark Financial Services, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2017, a copy of the foregoing Notice of Removal was served via first-class mail, postage prepaid, to:

John K. Stewart
9554 Randall Drive
White Plains, Maryland 20695
Plaintiff



Brian L. Moffet